

CHAPTER 51  
TEMPORARY HOLDING FACILITIES

[Prior to 3/20/91, Corrections Department[291]]

**201—51.1(356,356A) Definitions.**

“*Capacity*” means the number of prisoner or detainee occupants which any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage requirements of the standards.

“*Cell*” means single occupancy bedroom space with toilet and lavatory facilities.

“*Classification*” means a system of obtaining pertinent information concerning detainees with which to make a decision on assignment of appropriate housing, security level, and activities.

“*Detainee*” means any individual confined in a temporary holding facility.

“*Detention area*” means that portion of the facility used to confine detainees.

“*DOC*” means the Iowa department of corrections.

“*Dormitory*” means an open area for two or more detainees with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures such as shower, table, recreation equipment, or similar items.

“*Emergency situation*” means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

“*Existing facility*” means any place in use as a jail or temporary holding facility or for which bids have been let for construction prior to September 12, 2001.

“*Facility*” means a temporary holding facility as defined by these rules.

“*Holding cell*” means a secure room or cell where detainees may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

“*Holdover*” means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area which is unable to be locked.

“*Housing unit*” means an individual detention area. This area may be a single occupancy cell, multiple occupancy cell, cellblock, or dormitory.

“*Inspection unit*” means the state jail inspection unit.

“*Jail inspector*” means the department of corrections employee responsible for inspections of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

“*Juvenile*” means any person under the age of 18 years.

“*Mail*” means anything that is sent to or by a detainee through the United States Postal Service.

“*Major remodeling*” means construction or repairs to a portion of a temporary holding facility requiring sealed bids as specified in Iowa Code section 384.96.

“*Medical practitioner*” means licensed physician, licensed osteopathic physician or physician’s assistant or medical resources such as a hospital or clinic.

“*Minister*” means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

“*Monitoring*” means having a reasonable degree of knowledge or awareness of what activities a detainee is engaged in during incarceration.

“*Multiple occupancy cell*” means a cell designed for no more than six detainees.

“*Nonsecure hold*” means a nonsecure area within a law enforcement facility and which is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area which is unable to be locked.

“*Person performing temporary holding facilities duties*” means all persons directly involved in the provision of services to detainees or the operation of a facility except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a facility supervisor.

2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with detainees or routine access to areas occupied by detainees.

“*Physical jeopardy*” means, due to the detainee’s physical or mental condition, the detainee is in peril of serious physical harm.

“*Residential facilities*” means the facilities governed by 201—Chapter 43.

“*Temporary holding facility*” means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility.

“*Temporary holding facility administrator*” means the executive head of any law enforcement agency, or the executive’s designee, operating a temporary holding facility. The temporary holding facility administrator shall be responsible for the operation of the facility according to these rules.

“*Temporary holding facility inspector*” means the department of corrections employee responsible for inspection of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

“*Temporary holding facility supervisor*” means any person who is responsible for the routine operation of the facility during the person’s assigned duty hours. This person need not be on the premises at all times, but must be readily available for consultation.

“*Waiver/variance*” means waiver of a specific standard granted by the jail inspection unit in accordance with these rules.

**201—51.2(356,356A) General provisions.** These rules apply to all temporary holding facilities regulated by Iowa Code chapter 356 or 356A.

**51.2(1) Capacity.** Established capacities as determined by these rules shall not be exceeded except in the event of an emergency, and then only for such a period of time as is necessary to arrange for alternate housing or release of sufficient detainees to bring the number of persons confined into compliance with the rated capacity.

**51.2(2) Right to inspect and visit.** The chief jail inspector or authorized representatives shall visit and inspect temporary holding facilities and may do so on an unannounced basis. Facility personnel and supervisors shall cooperate in inspections and shall exhibit to the inspectors, upon request, all books, records, medical records, data, documents and accounts pertaining to a temporary holding facility or to the detainees confined and shall assist inspectors to perform the functions, powers and duties of their office. Provisions of the first paragraph of Iowa Code section 356.43 shall control to the extent of any inconsistency of the provisions of this subrule.

**51.2(3) Other standards.** Nothing contained in these standards shall be construed to prohibit local officials from adopting standards and requirements governing their employees and facilities, provided these standards and requirements exceed and do not conflict with standards mandated in this chapter. These standards shall not be construed as authority to violate any state fire safety standard, building standard, health and safety code, or any constitutional requirement. No facility shall be operated without substantially meeting these rules unless operating under a waiver granted according to the provisions of 201—Chapter 7, Iowa Administrative Code.

**51.2(4) Equal opportunity.** Facilities, programs, and services shall be available on an equitable basis to both males and females even though each standard does not specify that it applies to both males and females.

**51.2(5) Nondiscriminatory treatment.** Each facility administrator shall ensure that staff and detainees are not subject to discriminatory treatment based upon race, religion, nationality, handicap, sex or age, absent compelling reason for said discriminatory treatment.

**201—51.3(356,356A) Inspection and compliance.** The chief inspector or authorized representatives shall visit and inspect each facility within this state at least annually to determine the degree of compliance with these standards and within 45 days of each inspection shall report the results to the temporary holding facility administrator and the governing body responsible for the facility. If a residential facility is operated by a judicial district department of correctional services, the regional deputy director of the department of corrections and the regional deputy director's personnel shall be responsible for all inspections and approvals and shall have the same powers as the members of the inspection unit in carrying out these rules.

**51.3(1) Notice of noncompliance with minimum standards.** Whenever the determination is made that a temporary holding facility is not in compliance with established minimum standards, the chief administrator of the affected governmental facility will be notified by letter posted or personal delivery of the need to bring the facility into compliance. The jail inspection unit shall issue a notice of noncompliance to the responsible facility administrator and the governing body of each instance in which the facility fails to comply with the minimum standards established under these rules. The letter shall contain a listing of the statute(s) and rule(s) with which the facility is not in compliance and a description of the deficiencies and shall specifically identify each minimum standard with which the facility has failed to comply.

**51.3(2) Enforcement of minimum standards; remedial orders.** Upon receipt of a notice of noncompliance pursuant to subrule 51.3(1), the responsible authorities shall initiate appropriate corrective measures within the time prescribed by the jail inspection unit in its notice (which shall not exceed 90 days) and shall complete the corrections within a reasonable time as prescribed by the notice of noncompliance. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames which will bring the facility into compliance within a reasonable time. If the responsible officials receiving notice of noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the jail inspection unit may order the facility in question or any portion thereof closed, that further confinement of detainees or classifications of detainees in the noncomplying facility or any portion thereof be prohibited, or that all or any number of detainees then confined be transferred to and maintained in another facility, or any combination of remedies.

An order for closure shall contain the following:

- a. Statute(s) and rule(s) violated.
- b. A brief description of the deficiencies.
- c. The effective date of the order.
- d. An explanation of remedies required before reopening.

This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 12 concerning contested cases. The matter shall then proceed in accordance with 201—Chapter 12. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames which would bring the facility into compliance within a reasonable time. The remedial order shall be in writing and shall specifically identify each minimum standard with which the facility has failed to comply. Such remedial order shall become final and effective 30 days after receipt thereof. In the event immediate closure is required, emergency action shall proceed pursuant to 201—12.24(17A).

**51.3(3) Precedent.** Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination or adjudication by the jail inspection unit, the nature of the action taken with regard to any matter or the disposition of any matter pending before the jail inspection unit is not necessarily of meaningful precedential value, and the department shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.

**201—51.4(356,356A) Physical plant—general.**

**51.4(1) *Building to meet existing codes.*** All facilities are required to be structurally sound and to meet existing building code and health code requirements.

**51.4(2) *Professional inspections.***

*a.* The state jail inspector may require for good reason that an agency operating a facility cause it to be examined by an architect, engineer, licensed electrician, health inspector, plumber, heating and air conditioning specialist, food establishment inspector, state fire marshal or fire inspector or any other person with expertise which may be of assistance to the state jail inspector in making an informed decision relative to the facility operation or structure. Inspection by a municipal inspector qualified in these areas may be permitted.

*b.* Any facility determined to be deficient following inspection may be ordered closed by the jail inspector or specific conditions limiting its operation may be imposed in lieu of closing.

An order of closure shall contain the following:

- (1) Statute(s) and rule(s) violated.
- (2) A brief description of the deficiencies.
- (3) The effective date of the order.
- (4) An explanation of remedies required before reopening.

An order of closure shall adhere to subrules 51.3(1) and 51.3(2).

This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 12, Contested Cases. The matter shall then proceed in accordance with 201—Chapter 12.

*c.* In the event that any agency fails to cooperate in an inspection, the jail inspector may arrange for an inspection and the agency operating the facility shall be financially responsible for any expense involved.

**51.4(3) *Heating and ventilation.*** All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for detainees and staff. Fans and an adequate supply of cold liquids will be made available and utilized when indoor temperatures exceed 85° Fahrenheit.

**51.4(4) *Cells.*** Maximum security cells shall be equipped with tamper-resistant bunks, secured table(s) and seat(s), plus a toilet and wash basin recommended for jail or prison use. Cells shall have an adequate supply of both hot and cold water; mixing valves may be used. Housing areas of less secure design need not contain tamper-resistant fixtures. The cell must be constructed to minimize self-injury. Toilet facilities should be controlled from outside the cell and may be in the floor. Water need not be available in the cells but water must be accessible from staff upon request.

**51.4(5) *Lighting.*** Lighting shall be a minimum of 20 candlepower at the table top for the purposes of reading and writing. Living areas shall be devoid of dark areas. Lighting adequate to observe persons within the cell area shall be maintained at all times. All entrances, exits and hallways shall be equipped with independent emergency lighting sources. Hallways, entrances and exits shall be sufficiently lit to observe persons entering or exiting. Light controls shall be out of the control of detainees. Housing areas may be variably illuminated to allow sleep, but continuous observation of detainees must be possible.

**51.4(6) *Screens.*** If windows are opened for ventilation, screens shall be installed and maintained in good repair.

**51.4(7) *Electrical facilities.*** Drop cords shall not be used as permanent wiring. Electrical service shall meet the requirements of the governmental body permitted by statute to adopt standards for electrical service. Appliances shall plug directly into a fixed receptacle. Emergency generator power shall be available. Emergency generator power shall be tested at regular intervals not less than monthly. A record of test dates shall be maintained.

**51.4(8) Storage.**

a. Storage of any type in primary detention areas is not permitted except for supplies necessary for operation of the facility.

b. Adequate storage space for detainees' personal clothing and property shall be provided. Space provided shall be secure and the detainee's name or identity shall be affixed to the storage space. Property shall be inventoried and accounted for as provided in Iowa Code section 804.19.

c. Janitorial supplies shall be stored in a manner to prevent unauthorized detainee access. Janitorial supplies and equipment shall not be stored in detainee living areas. Wet mops shall be dried to deter the growth of mildew.

d. Areas used for storage of chemicals, paints, and cleaning supplies shall not be accessible to detainees and such products shall be stored away from the primary detention area. Such storage shall not be in boiler or furnace rooms.

**51.4(9) Firearms lockers.** A place inaccessible to detainees shall be provided where officers entering the security area can store firearms.

**51.4(10) Noise level.** Detainee noise inside the facility shall be controlled to ensure an orderly and secure facility operation. The policy and procedures manual shall include a rule pertaining to noise level. Detainees must be advised of the rule.

**201—51.5(356,356A) Physical requirements for existing facilities.** This rule shall apply to all facilities in existence prior to June 30, 1984. In cases where an existing facility undergoes major remodeling, rule 201—51.7(356,356A) shall apply to the area being upgraded.

**51.5(1)** Each single occupancy cell for detainees in normal status shall have a minimum floor area of 40 square feet.

**51.5(2)** Multiple occupancy cells must have 40 square feet of floor space for the first occupant and an additional 20 square feet for each additional occupant.

**51.5(3)** Except in emergency situations, no multiple occupancy cell shall house more than six detainees.

**51.5(4)** Each cell shall provide a minimum of 7 feet from floor to ceiling height.

**51.5(5)** All cells shall be equipped with bunks sufficient to ensure a bunk for each detainee assigned. Every cell will be equipped with a toilet and lavatory that function properly and supply adequate running water. Bunks must be of a size to accommodate a normal-sized male adult. Toilet and lavatory facilities must be accessible to detainees at all times.

**51.5(6)** Reserved.

**51.5(7)** Holding cells are multiple occupancy space where detainees may be confined only while awaiting processing through administrative or legal procedures. These areas must have at least 40 square feet of floor space for the first detainee with 20 square feet for each additional detainee.

**51.5(8)** Dormitory units shall have a minimum of 60 square feet of floor space per detainee.

**201—51.6(356,356A) Physical requirements for new or remodeled facilities—after June 30, 1984.** This rule shall apply to temporary holding facilities which are of new or remodeled construction or let for bid after June 30, 1984. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The inspection unit shall, within 60 days of receiving plans, review them for compliance with these rules and forward any comments to the submitting authority.

**51.6(1)** New housing units may be single occupancy cells or multiple occupancy cells. Each single occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple occupancy cell shall have a minimum of 70 square feet of floor space for the first detainee and an additional 50 square feet of floor space for each additional detainee. Maximum occupancy in a multiple occupancy cell shall be six detainees.

**51.6(2)** All new housing units shall provide:

- a. No less than 8 feet of space between the floor and ceiling.
- b. A bunk of adequate size for normal-sized adults for each detainee.

**51.6(3)** Each new single and multiple occupancy cell shall have a security-type toilet/lavatory combination fixture which provides adequate running water. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

**51.6(4)** The new facility shall be designed to admit natural lighting and to give access to outside viewing by detainees where practical.

**51.6(5)** The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

**51.6(6)** Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

**201—51.7(356,356A) Physical requirements for new or remodeled facilities—after September 12, 2001.** This rule shall apply to temporary holding facilities which are of new or remodeled construction after September 12, 2001, the effective date of these rules. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

**51.7(1)** New housing units may be single occupancy cells or multiple occupancy cells. Each single occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple occupancy cell shall have a minimum of 35 square feet of unencumbered floor space for each detainee. Maximum occupancy in a multiple occupancy cell shall be six detainees.

**51.7(2)** All new housing units shall provide:

- a. No less than 8 feet of space between the floor and ceiling.
- b. A bunk of adequate size for normal-sized adults for each detainee.

**51.7(3)** Each new single and multiple occupancy cell shall have a security-type toilet/lavatory combination fixture which provides adequate running water. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

**51.7(4)** The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

**51.7(5)** Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

**201—51.8(356,356A) Fire safety and emergency evacuation.**

**51.8(1) Approval of building plans.** All new construction or major remodeling plans shall be approved prior to commencement of construction by the state fire marshal or qualified local fire prevention authority using Life Safety Code NFPA 101.

**51.8(2) Fire marshal's certificate.** No facility shall be occupied by a detainee unless the state fire marshal or qualified local fire prevention authority has issued a fire certificate within the last 18 calendar months. The state fire marshal or qualified local fire prevention authority shall issue this certificate only if the facility complies with the fire safety standards in these rules as well as applicable standards of the state fire marshal. If not in substantial compliance, the facility may be required to submit a corrective plan of action for noncompliant items to the state fire marshal or local fire prevention authority. If deadlines are not met in accordance with the plan of action, the director of the department of corrections may initiate closing proceedings. In jurisdictions lacking personnel specifically trained in fire prevention safety standards, inspections shall be performed by the staff of the state fire marshal's office or designee under authority of Iowa Code section 100.12. The state jail inspection unit of the Iowa department of corrections retains the authority to request state fire marshal review as deemed necessary.

**51.8(3) *Evacuation plan.*** The administrator of each facility shall prepare a written plan for emergency evacuation of the facility in the event of fire or other disaster. This plan shall include security arrangements and one or more alternate housing arrangements for displaced detainees. All personnel employed in the facility shall be thoroughly familiar with this plan and relevant portions thereof shall be conspicuously posted. Fire drills shall be practiced or simulated by all facility staff on at least an annual basis and a record thereof shall be maintained according to subrule 51.19(9), Iowa Administrative Code.

**51.8(4) *Release of detainees.***

*a.* There shall be a reasonable expectation of the prompt removal of detainees in the event of a life-threatening situation. Keys for all locks necessary for emergency exit shall be readily accessible and clearly identifiable with cell and door locks.

*b.* There shall be at least one full set of facility keys, other than those regularly used, stored in a safe place accessible only to appropriate persons, for use in the event of an emergency.

**51.8(5) *Fire extinguishers.*** All facilities shall be equipped with not less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building. Fire extinguishers will be tested at least annually to ensure they remain in operative condition. A record of such checks shall be maintained. Fire extinguishers must be wall-mounted (NFPA-10).

**51.8(6) *Emergency lighting.*** All exits shall be equipped with independent emergency lighting sources. All corridors and passage aisles shall be illuminated by independent emergency lighting sources. Lighting shall be arranged to ensure that no area will be left in darkness.

**51.8(7) *Required exits.*** Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each detainee to at least two separate and distinct exits from each floor. Passage aisles or corridors shall be kept clear. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are readily available. Elevators shall not be counted as required exits.

**51.8(8) *Fire alarms.*** A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories shall be installed and maintained in operational condition according to the factory manual. These alarms shall be ceiling-mounted if possible and shall be so located and protected from detainee access. The detection equipment shall be battery-operated or so constructed as to continue operating during a power failure. Battery-operated systems shall be tested monthly. Electronic systems shall be tested at least annually. A record of test dates and results shall be maintained according to subrule 51.19(9), Iowa Administrative Code.

**51.8(9) *Heating appliances.*** Heating appliances and water heaters shall not be located along the path of required exits.

**51.8(10) *Hinged doors.*** All hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, shall swing with exit traffic.

**51.8(11) *Mattresses.*** Only fire-resistant mattresses of a type that will not sustain a flame and certified by the manufacturer and approved by the state fire marshal or qualified local fire prevention authority shall be used in the facilities. Mattresses that are ripped, are excessively cracked or contain large holes will be replaced. Pillows will be replaced when torn or excessively cracked.

**51.8(12) *Sprinkler.*** If installed, sprinkler heads accessible to detainees not under direct supervision must be of the weight-sensitive type, be protected with a sleeve that would hamper the tying of material on the sprinkler head, or be recessed into the wall or ceiling.

**201—51.9(356,356A) Minimum standards for facility personnel.**

**51.9(1) *Requirements for employment.*** No person shall be recruited, selected or appointed to serve as a holding facility administrator unless the person:

- a. Is a qualified peace officer meeting the requirements of 501—subrules 9.3(1) and 9.3(2).
- b. Is 18 years of age or older.
- c. Is able to read and write in English.
- d. Is of good moral character as determined by a thorough background investigation including a fingerprint search conducted of local, state and national fingerprint files.
- e. Is not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill the person's duties.
- f. Has the ability to perform the essential elements of the position as defined in department job specification.
- g. Is free of contagious disease.

**51.9(2) *Minimum standard for retention.*** No employee who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for facility employment, or who has repeatedly failed to observe these rules shall be retained.

**51.9(3) *Business transactions with detainees.*** No person working in a facility shall transact any business with any detainee or member of a detainee's family, nor shall any person working in a facility arrange through another party any business transaction with a detainee.

**201—51.10(356,356A) Training for facility personnel.**

**51.10(1) *Initial orientation.*** Except in an emergency situation, all persons performing temporary detention duties shall meet the following requirements, and the provision of this information and training shall be documented.

- a. The individual shall be fully knowledgeable of the administrative rules referring to facility standards.
- b. The individual shall be fully knowledgeable of facility rules, written policies and procedures as adopted by the administrator.
- c. The individual shall have been given specific orientation with respect to a detainee's rights during confinement and procedures adopted to ensure those rights.
- d. If the individual is to have access to a handgun at any time, the person shall hold a professional permit to carry weapons issued under the authority of Iowa Code section 724.6.
- e. The individual shall be professionally trained and qualified in the use of any electric restraint control device and chemical control agents if used in connection with the individual's duties at the facility.
- f. The individual shall have been instructed in the use of required firefighting equipment and the fire and emergency evacuation plan.
- g. The holding facility administrator shall record by log sheet the signature(s) of all staff performing temporary holding facility duties attesting that they have full knowledge of the administrative rules referring to facility standards and the written policies and procedures governing the facility's operation.

**51.10(2) *Training documented.*** All temporary holding facility workers and administrators shall meet and document training requirements as specified by Iowa law enforcement academy training standards as found in 501—9.3(80B) and 501—9.4(80B), Iowa Administrative Code. The facility administrator shall record by log sheet the signature(s) of all persons attending the training.

**51.10(3) *First aid.*** At least one staff member on duty at the facility shall be trained in first aid (or the equivalent) and CPR.

**201—51.11(356,356A) Standard operating procedures manual.** Pursuant to the authority of Iowa Code sections 356.5 and 356.36, each municipality shall establish and the facility administrator shall ensure compliance with a standard operating procedures manual to include the following administrative rules: subrules 51.2(4), 51.2(5), 51.4(10), 51.8(3), 51.8(4), 51.9(1), 51.9(2), 51.9(3), 51.10(1), and rules 51.11(356,356A) to 51.19(356,356A) as noted. The following standards do not require written policy: 51.13(4) and 51.14(4).

**51.11(1) Admission and classification.**

*a.* No person shall be confined or released from confinement without appropriate process or order of court.

*b.* With the exception of incidental contact under staff supervision, the following classes of detainees shall be kept separate by architectural design barring conversational and visual contact from each other:

(1) Juveniles and adults (pursuant to Iowa Code section 356.3).

(2) Females from males (pursuant to Iowa Code section 356.4).

*c.* The following shall be kept separate whenever possible:

(1) Felons from misdemeanants.

(2) Pretrial detainees from sentenced persons.

(3) Witnesses from detainees charged with crimes.

*d.* The following shall be kept physically separated:

(1) Detainees of whom violence is reasonably anticipated.

(2) Detainees who are a health risk to others.

(3) Detainees of whom sexually deviant behavior is reasonably anticipated.

*e.* Detention of juveniles shall be pursuant to Iowa Code section 232.22.

*f.* All staff involved in the booking process or the supervision of detainees shall be trained in suicide prevention. At the time of booking, an attempt shall be made (either by observation for marks or scars or direct questioning of the detainee) to determine if the detainee is suicidal. The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation to aid in suicide prevention:

(1) Does the detainee show signs of depression?

(2) Does the detainee appear overly anxious, afraid, or angry?

(3) Does the detainee appear unusually embarrassed or ashamed?

(4) Is the detainee acting or talking in a strange manner?

(5) Does the detainee appear to be under the influence of alcohol or drugs?

(6) Does the detainee have any scars or marks which indicate a previous suicide attempt?

In all cases, the following questions will be asked of the detainee:

Have you ever tried to hurt yourself?

Have you ever attempted to kill yourself?

Are you thinking about hurting yourself?

**51.11(2) Security.**

*a. Supervision of detainees.*

(1) Twenty-four-hour supervision of all detainees shall be provided pursuant to Iowa Code section 356.5(6).

(2) When staff is not within the confinement area of the facility, a staff person shall be in a position to hear detainees in a life-threatening or emergency situation; or a calling device to summon help will be provided. By policy and practice there shall be a means of ensuring that appropriate personnel will be available on a 24-hour basis to respond to an emergency, including, but not limited to, fire, assaults, suicide attempts, serious illness, and to preserve order, within a reasonable time period.

(3) At least hourly, personal observations of individual detainees shall be made and documented. Detainees considered to be in physical jeopardy because of physical or mental condition, including apparently intoxicated persons, as indicated by the medical history intake process and by personal observations, shall be checked personally at least every 30 minutes until the condition is alleviated. Closed circuit television (CCTV)-audio monitoring system may supplement, but shall not replace, personal observations. In order to use a CCTV-audio monitoring system, the following requirements must be met: CCTV and audio must be operational at all times. Visual and audio must be clear and distinct. Detainees shall be able to be observed at all times. However, observation of shower and restroom activities shall be at the discretion of the facility administrator.

(4) No employee or visitor of one sex shall enter a housing unit occupied by the other sex unless advance notice has been provided except in case of an emergency. Advance notice may be provided at the time of orientation.

(5) When there are women in the facility population, a female employee shall be on the premises in accordance with Iowa Code section 356.5(6).

(6) All juveniles arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention. The activities of juveniles arrested for crimes other than the above shall be monitored at all times, and the juveniles shall be observed by means of personal supervisory checks at no more than 30-minute intervals.

*b. Weapons.* Except in an emergency situation, no firearms, chemical control agents, saps, or gloves shall be allowed in an area occupied by detainees.

*c. Searches.*

(1) All detainees entering the facility shall be thoroughly searched; searches of persons charged with simple misdemeanors shall follow provisions of Iowa Code section 804.30.

(2) All persons entering a facility may be searched for contraband. Persons may be denied admission if they refuse to consent to a required search.

(3) A search notice shall be posted in a conspicuous place (no policy required).

*d. Key control.* The facility administrator will identify those persons who may have access to keys.

*e. Detainees' property.* All personal property of detainees shall be inventoried and accounted for.

## **201—51.12(356,356A) Cleanliness and hygiene.**

### **51.12(1) Housekeeping.**

*a.* The temporary holding facility shall be kept clean and sanitary. Toilets, wash basins, showers and other equipment throughout the facility shall be maintained in good working order. Walls, floors and ceilings shall be well maintained.

*b.* Unless cleaning is done by staff, necessary cleaning equipment shall be provided to detainees. Cleaning equipment shall be removed from the cell when cleaning is complete. Mops will be stored for drying after use.

*c.* The facility shall be maintained in pest-free condition. Persons spraying chemicals shall be certified by the Iowa department of agriculture and land stewardship. Detainees and staff shall not be directly exposed to the chemicals being used.

*d.* All clothing and linen, if provided, shall be clean and sanitary.

*e.* The facility shall have a sharps disposal container for razors and needles. The facility shall be equipped to handle disposal of contaminated or hazardous waste according to universal health precautions.

### **51.12(2) Reserved.**

**201—51.13(356,356A) Medical services.** The facility administrator shall establish a written policy and procedure to ensure that detainees have the opportunity to receive necessary medical attention for illness and injury and necessary dental care. The plan shall include a procedure for emergency services day or night and a procedure for regular medical attention. Responsibility for the costs of medical services remains that of the detainee. However, no detainee will be denied necessary medical services, dental service, or medicine because of a lack of ability to pay. Medical and dental prostheses shall be provided only when the serious medical needs of the detainee-patient would be adversely affected without them, as determined by a licensed health care professional. Cosmetic or elective procedures need not be provided.

**51.13(1) Medical resources.** Each facility shall have a designated licensed physician, licensed osteopathic physician or medical resource, such as a hospital or clinic staffed by licensed physicians or licensed osteopathic physicians, designated for the medical supervision, care and treatment of detainees as deemed necessary and appropriate. Medical resources shall be available on a 24-hour basis.

**51.13(2) Trained staff.** Rescinded IAB 2/19/92, effective 3/27/92.

**51.13(3) Detainee involvement.** No detainee shall be involved in any phase of delivery of medical services.

**51.13(4) First-aid kits.** A first-aid kit approved by qualified medical personnel shall be available to staff.

**51.13(5) Chemical control agents.** Detainees affected by a chemical control agent must be offered a medical examination and appropriate treatment as soon as reasonable.

**51.13(6) Screening upon admission.**

*a.* Any person who is obviously injured, ill or unconscious shall be examined by qualified medical personnel before being admitted to a facility.

*b.* Detainees suspected of having a contagious or communicable disease shall be separated from other detainees until examined by qualified medical personnel.

*c.* As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the facility. The intake procedure shall include screening for potential self-injury or suicide. The facility shall have a written suicide prevention plan. Essential elements of the plan shall include training to recognize the potential for suicide, communication between staff and appropriate housing and intervention procedures.

*d.* During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person's self or others, shall be admitted to the facility only after the arresting officer/agency has demonstrated a reasonable effort to comply with the emergency hospitalization procedure as provided in Iowa Code section 229.22.

*e.* Detainees shall be provided with information on how they can obtain necessary medical attention, and the facility's policy and procedure shall also reflect this.

**51.13(7) Medication procedures.**

*a.* Written policies and procedures pertaining to providing medication shall be established.

*b.* All prescription medicine shall be securely stored and inventory control practiced.

*c.* A written procedure for recording the taking or administering of all medications shall be established.

*d.* Prescription medication, as ordered by a licensed physician, licensed osteopathic physician or licensed dentist shall be provided in accordance with the directions of the prescribing physician or dentist. Detainees with medication from a personal physician, osteopathic physician or dentist may be evaluated by a physician, osteopathic physician or dentist selected by the facility administrator to determine if the present medication is appropriate.

**51.13(8) Medical records.** A separate medical record shall be maintained for each detainee receiving medical care. The record shall include the illness being treated, medication administered, special diets required, medical isolations and the name of the attending health professional or institution. The record may be kept in the detainee's file jacket but must be labeled "confidential."

**51.13(9) Medication storage.**

a. Detainees' medications shall be stored at the proper temperature, as defined by the following terms:

(1) Room temperature: temperature maintained between 15 degrees centigrade (59 degrees Fahrenheit) and 30 degrees centigrade (85 degrees Fahrenheit).

(2) Cool: temperature maintained between 8 degrees centigrade (46 degrees Fahrenheit) and 15 degrees centigrade (59 degrees Fahrenheit).

(3) Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit).

b. Any medications bearing an expiration date may not be administered beyond the expiration date.

c. Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the facility administrator in the presence of a witness. A record of drug destruction shall be made in each detainee's medical record.

d. Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to board of pharmacy examiners 657—subrule 23.12(5).

e. Facilities utilizing unit dose packaging shall have written policies and procedures providing for the return of drugs so packed to the issuing pharmacy. Policy shall include proper record keeping of disposal.

**201—51.14(356,356A) General food service requirements.**

**51.14(1) Detainee being held.** If a detainee is held over a meal period, a meal of adequate nutrition shall be provided.

**51.14(2) Daily meals.** The three meals provided for each 24-hour duration shall be served at reasonable and proper intervals; at least one meal shall be a hot meal. Food must be served at the proper temperature: hot foods shall be reasonably hot and cold foods reasonably cold.

**51.14(3) Time of serving.** Meals shall be served at approximately the same time every day.

**51.14(4) Medical diets.** Special diets as prescribed by a physician shall be followed and documented.

**51.14(5) Religious requests.** When a special diet is requested for a detainee due to a bona fide religious belief, the facility shall meet that need unless the facility can demonstrate that its refusal does not impose a substantial burden on the exercise of the detainee's religion or that its refusal furthers some compelling interest and is the least restrictive means of furthering that interest.

**51.14(6) Punishment.** Deviation from normal feeding procedures shall not be used as punishment.

**51.14(7) Inspection of facilities for outside food service providers.** If food service is provided by outside sources, only a facility with a food establishment license or those required to undergo inspection by other statutes shall be utilized to provide these services. The transfer of food shall be done under sanitary conditions (no policy required).

**201—51.15(356,356A) In-house food services.**

**51.15(1)** Food preparation areas shall be clean and sanitary in accordance with requirements of the state health standards regulating institutional or food establishment operations.

**51.15(2)** All food products shall be stored or refrigerated in compliance with state health standards governing institutional or food establishment operations.

**51.15(3)** Dishes, utensils, pans and trays shall be sanitized after use in accordance with state health standards for food establishments or institutions.

**51.15(4)** Staff shall serve or supervise the serving of all meals. Food handlers must be clean and free of illness or disease.

**201—51.16(356,356A) Communication.**

**51.16(1)** *Telephone calls upon arrest.* Detainees shall be permitted telephone access to their family or an attorney, or both, without unnecessary delay after arrest, at no charge if made within the local calling area, as required by Iowa Code section 804.20.

**51.16(2)** *Attorneys and ministers.* Attorneys and ministers shall be permitted to visit detainees upon request of the detainee at reasonable hours if security and daily routine are not unduly interrupted.

**51.16(3)** *General visitation.*

- a. All detainees in normal status shall be allowed reasonable visitation.
- b. Rules shall specify who is allowed to visit and when and how often visitors are allowed.
- c. Facility staff shall document the date and time of visit, name and address of each person visiting, and the name of the detainee visited. Computerized logs are acceptable.
- d. A visit may be denied if reasonable suspicion exists that the visit might endanger the security of the facility. A record shall be made of such denial and the reason(s) therefor.

**201—51.17(356,356A) Access to the courts.** Detainees shall be provided at their request pertinent sections of the Iowa Code or city ordinance pertaining to their offense and access to attorneys pursuant to rule 51.16(356,356A).

**201—51.18(356,356A) Discipline and grievance procedures.**

**51.18(1)** No detainee shall be allowed to have authority or disciplinary control over another detainee.

**51.18(2)** The use of physical force by staff shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes or the suppression of disorder, and then only to the degree necessary to overcome resistance. Corporal punishment is forbidden.

**51.18(3)** In the event of death, or in cases of attempted suicide, or injury due to physical force requiring medical care, notification of the incident shall be provided to the state jail inspection unit within 24 hours. A copy of the investigation report and other pertinent records shall be given to the jail inspector upon request.

**51.18(4)** The following information shall be made available to all detainees and explained to any detainee unable to read English:

- a. A set of rules (including sanctions) and regulations pertaining to the conduct of persons in custody.
- b. What services are available to them.
- c. A procedure for handling detainees' grievances.

**51.18(5)** Deprivation of clothing, bedding, or hygienic supplies shall not be used as discipline or punishment. These items may be withheld from any detainee who the staff reasonably believes would destroy such items or use them as weapons, for self-injury or to aid in escape.

**201—51.19(356,356A) Records.** The following records shall be maintained by the facility administrator for two years unless a different period is specified.

**51.19(1)** *Facility calendar.* This record shall contain information required by Iowa Code section 356.6.

**51.19(2)** *Visitor registration.* This record shall contain the name and address of the person visiting; name of detainee visited; and the date, time and duration of the visit.

**51.19(3) Facility inspection records.** Facility inspection records shall contain the following and be maintained for a minimum period of two years:

- a. Fire marshal's certificates.
- b. Written reports received from all persons doing official inspections of the facility.

**51.19(4) Medical history intake form.** Notation of injury upon admission shall be included.

**51.19(5) Records of medical care.**

**51.19(6) Injury reports.** Copies of all reports of investigations relating to injuries within the facility shall be maintained by the facility administrator in a separate injury file or referenced in the detainee file by log for a period of five years.

**51.19(7) Disciplinary records.**

**51.19(8) Property receipts.** Property receipts as required by Iowa Code section 804.19 shall be completed and distributed as required.

**51.19(9) Fire and disaster evacuation plan and record(s) of required fire drills.**

**51.19(10) Records of staff training.**

**51.19(11) Disposition of medication.** A record shall be kept of the disposition of prescribed medication not taken by a detainee.

**51.19(12) Supervisory checks.** A record shall be made to document all required supervisory checks of detainees.

**51.19(13) Incident reports.** Records shall be made to document the following:

- a. Use of force;
- b. Suicide/suicide attempts;
- c. Threats to staff, staff assaults, fires, detainee abnormal behavior, any verbal or nonverbal references to suicide and self-mutilation.

## **201—51.20(356,356A) Nonsecure holds for juveniles.**

**51.20(1) Standards for nonsecure hold areas.** The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

- a. The juvenile is not physically secured to any stationary object.
- b. The juvenile is under continuous visual supervision.
- c. The juvenile has access to bathroom facilities.
- d. A meal or meals shall be provided at usual mealtimes.

**51.20(2) Supervision of juveniles in nonsecure hold.** Juveniles in nonsecure hold status (see Iowa Code sections 232.19(2) and 232.22(2)) shall have continuous visual supervision by a qualified adult. The holding facility administrator may contract with an outside agency to perform supervisory functions. Persons performing juvenile supervisory functions must:

- a. Be at least 18 years of age.
- b. Have received a physical prior to employment.
- c. Perform at a staff-to-detainee ratio that will ensure a safe environment for both the juvenile(s) and the staff.
- d. Report any knowledge of child abuse to mandatory child abuse reporters.
- e. Have successfully completed a child abuse and criminal background check.

**51.20(3) Prohibited acts.** Each nonsecure site must develop a policy of posted orders which protects juveniles against neglect; exploitation; and degrading punishment such as corporal punishment, verbal abuse, threats, or derogatory remarks about the juvenile or the juvenile's family; binding or tying to restrict movement; enclosing the juvenile in a confined space such as a closet, locked room, or similar cubicle; and deprivation of meals.

**51.20(4) Attendant nonsecure area operating procedures.**

- a. Attendant shall make certain the juvenile is aware of the policies of the nonsecure holding area.
- b. The personal effects of the juvenile shall be placed in a safe, secure place. A property receipt shall be issued to the juvenile.
- c. All items given to the juvenile are subject to being searched.
- d. Attendant shall pat search the juvenile.

**51.20(5) Care and treatment.****a. Medical.**

(1) No juvenile shall be held who is obviously injured, is obviously physically or mentally ill or, in the judgment of the arresting officer, is under the influence of drugs or intoxicated from the use of alcohol to the point of needing medical attention without first being examined by a medical practitioner.

(2) In an emergency situation or when the juvenile is suffering severe pain or is in danger of loss of life or permanent injury, medical treatment may be administered without parental consent. When none of the above situations exist, parental consent or judicial concurrence must be made before providing medical treatment.

(3) Juveniles suspected of having a contagious or communicable disease shall be isolated from other juveniles.

(4) There shall be at least one person on duty in the facility containing the nonsecure room who is trained in multimedia first aid and CPR.

(5) First-aid kits shall be immediately available.

(6) Any person providing medication shall be trained in the procedure of providing medication.

(7) As part of the admission procedure, a medical history intake form shall be completed. As part of this procedure, an attempt will be made to determine if the juvenile is suicidal by observing behavior and looking for marks or scars which would indicate previous suicide attempts.

(8) There shall be written policies or procedures pertaining to providing medication.

(9) All medication shall be stored according to state pharmaceutical standards and written inventory control maintained. The inventory shall include the starting number of pills, when pills were provided and by whom, the remaining number of pills at the time the juvenile left the facility, the disposition of the remaining pills, and a staff witness to the disposition of the pills.

(10) Special diets as prescribed by a physician shall be followed and documented.

(11) When a special diet is required for an individual due to a bona fide religious belief, the facility shall meet that need.

**b. Communications.**

(1) Juveniles shall be permitted, at no charge, telephone access to their family or an attorney, or both, without unnecessary delay after being taken into custody. Once family or attorney has been contacted, the number of additional calls, if any, will be determined by attendant.

(2) Attorneys and ministers shall be permitted to visit upon request when such visiting will not disrupt security or daily routines of the facility. Determination of additional visits shall be made by attendant.

**c. Safety and sanitation.**

(1) Walls, floors, and ceiling shall be well maintained.

(2) Facility shall be maintained in a pest-free condition.

(3) Clean bedding, including sheets, blankets, and pillowcases, shall be issued to each juvenile who wishes to sleep between the hours of 9 p.m. and 7 a.m.

(4) Soiled clothing which may affect the health of the juvenile shall be exchanged for clean, facility-provided clothing.

(5) An emergency evacuation plan must be conspicuously posted.

(6) There shall not be less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building.

(7) All exits shall be equipped with independent emergency lighting.

(8) Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each juvenile to at least two separate and distinct exits from each floor. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are on the person of the attendant. Elevators shall not be counted as required exits.

(9) A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories shall be installed and maintained in operational condition according to the factory manual. These alarms shall be ceiling-mounted and of such construction to continue in operation during power failure. Alarms shall be tested on at least a monthly basis. Such test shall be documented.

(10) Only fire-resistant mattresses and pillows approved by the state fire marshal's office shall be used.

*d. Staff training requirements.*

(1) Attendants shall be knowledgeable of facility policies and procedures pertaining to juvenile nonsecure holds, and acknowledgment of this shall be made by attendant's dated signature.

(2) Nonsecure hold attendants shall have received instruction in the following areas prior to supervising juveniles in a nonsecure holding area:

1. Role of nonsecure hold attendant.
2. Confidentiality issues.
3. Intake procedures—medical and suicide screening.
4. Communication and listening skills.
5. Dealing with a depressed or suicidal juvenile.
6. Overview of state and federal law.
7. Provision of medication.
8. Gentle self-defense.
9. Child abuse identification.

*e. Juvenile supervision.*

(1) An attendant shall be in the presence of all juveniles held at all times. Same-sex attendant or staff shall be present when juveniles perform bodily functions/shower.

(2) A log shall be maintained at half-hour intervals reflecting the juvenile's activities and behavior.

*f. Records.* The following records shall be maintained by the facility for a period of at least two years:

- (1) Medical history intake form.
- (2) Records of medical care.
- (3) Injury reports.
- (4) Food served.
- (5) Records of staff training.
- (6) Disposition of medication.
- (7) Individual log.
- (8) Any use of force reports.
- (9) Any suicide or suicide attempts reports.

*g. Incident reports.* Reports of the following incidents shall be sent to the state jail inspection unit, department of corrections, within 24 hours of incident:

- (1) Any injury to juvenile or staff that requires medical attention.
- (2) Any use of force by staff.
- (3) Any attempted suicide.

The state jail inspection unit, department of corrections, shall be notified within five hours of any successful juvenile suicide that occurred in a nonsecure hold area.

**51.20(6)** *Exemption from nonsecure hold standards.* Any requests for exemption from nonsecure hold standards shall be submitted according to the provisions under 201—Chapter 7, Iowa Administrative Code.

These rules are intended to implement Iowa Code sections 80B.11A, 356.36 and 356.43 and chapter 356A.

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